

SUPPLEMENTARY AGREEMENT

BETWEEN

THE GOVERNMENT OF THE UNITED STATES OF AMERICA

AND

THE GOVERNMENT OF THE REPUBLIC OF ALBANIA

TO THE

**"AGREEMENT AMONG MEMBER COUNTRIES
OF THE NORTH ATLANTIC TREATY AND OTHER
PARTICIPATING STATES
IN THE PARTNERSHIP FOR PEACE
REGARDING THE STATUS OF THEIR FORCES"**

**ON THE STATUS OF THE FORCES OF THE
UNITED STATES OF AMERICA
IN
THE REPUBLIC OF ALBANIA**

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PREAMBLE

The Government of the United States of America (hereinafter referred to as the "United States") and the Government of the Republic of Albania (hereinafter referred to as "Albania");

Considering that from time to time by arrangement between the United States and Albania (hereinafter referred to as the "parties"), elements of the United States forces, their civilian component and dependents may be present in Albania;

Considering that the purpose of the presence of such United States forces in Albania is in furtherance of the efforts of the parties to promote peace and security in areas of mutual interest;

Considering that the second paragraph of the preamble to the agreement between the parties to the North Atlantic Treaty regarding the status of their forces, signed at London on 19 June 1951 (hereinafter referred to as the "NATO Status of Forces Agreement"), and Article IV of the agreement among the states parties to the North Atlantic Treaty and the other states participating in the Partnership for Peace regarding the status of their forces done at Brussels June 19, 1995, (hereinafter referred to as the "PFP Status of Forces Agreement") provide for separate arrangements supplementary to those agreements;

Desiring therefore to supplement the PFP Status of Forces Agreement, to which both governments are parties, and which incorporates by reference the NATO Status of Forces Agreement and any other status of forces agreement to which the two governments become parties in the future;

Have agreed as follows:

ARTICLE I DEFINITIONS

1. For the purposes of this agreement, the term "civilian component" as defined in Article I, paragraph 1(b) of the NATO Status of Forces Agreement includes employees of a non-Albanian and non-commercial organization who are nationals of or ordinarily resident in the United States and who, solely for the purpose of contributing to the welfare, morale or education of the United States forces, are accompanying those forces in Albania. The term "civilian component" also includes dependents when employed by the United States forces or the organizations referred to above and in Article XVIII.
2. For the purposes of this agreement, the terms - "United States contractors" and "United States contractor employees" means non-Albanian companies and firms and their employees other than nationals of Albania, employed by the United States in Albania in connection with activities under this agreement.
3. For the purposes of this agreement, the term "dependent" as defined in Article I, paragraph 1(c) of the NATO Status of Forces Agreement includes a relative of a member of the force or of the civilian component who is financially, legally, or for reasons of health dependent upon, and is supported by, such member, who shares the quarters occupied by such member and who is present in Albania with the consent of the authorities of the force.
4. For the purposes of this agreement, the term "duty" shall include customs duties and all other duties and taxes payable on importation or exportation, as the case may be. It shall not include charges for services requested and received.

ARTICLE II ENTRY AND EXIT

1. Unless otherwise mutually agreed, Albania waives its authority under Article III, paragraph 2(b) of the NATO Status of Forces Agreement to require countersignature of movement orders.
2. Albania shall not require visas for members of the civilian component, dependents and United States contractor employees. Albanian authorities shall make any annotations required by Albanian law in the passports of such persons.
3. Members of the force, the civilian component, and their dependents shall be exempt from registration and control as aliens.

ARTICLE III USE OF FACILITIES AND AREAS

United States forces are authorized access to and use of such facilities and areas in Albania as may be mutually agreed. United States military and civilian personnel and United States contractors and vehicles, vessels, and aircraft operated by or for United States forces, may use these facilities and areas for training, transit, support and related activities, refueling of aircraft, temporary maintenance of vehicles, vessels and aircraft, and accommodation of personnel, communications, staging of forces and material, and for such other purposes as the parties may agree.

ARTICLE IV CRIMINAL JURISDICTION

1. Albania recognizes the particular importance of disciplinary control by the United States military authorities over members of the force and the effect, which such control has upon operational readiness. Accordingly, in furtherance of its commitment to mutual defense, Albania exercises its sovereign discretion to waive its primary right to exercise criminal jurisdiction as provided by paragraph 3(c) of Article VII of the NATO Status of Forces Agreement.
2. Subject to any particular arrangement, which may be made for minor offenses, the United States forces shall notify the competent authorities of individual cases falling under the provisions of paragraph 1 of this article.
3. Where the competent Albanian authorities hold the view that, by reason of special circumstances in a specific case, major interests of Albanian administration of justice make imperative the exercise of Albanian jurisdiction, they may recall the waiver granted under paragraph 1 of this article by a statement in writing to the competent United States military authorities within a period of twenty-one days after receipt of the notification envisaged in paragraph 2 of this article.
4. Members of the force, the civilian component, and their dependents shall not be tried in absentia without their consent.

ARTICLE V DETERMINATION OF CRIMINAL JURISDICTION

1. Upon notification to the competent Albanian authorities by United States authorities that a question exists as to which authority will exercise jurisdiction

with respect to an offense, the Albanian authority dealing with the case shall suspend the proceedings until a determination by the two governments on the jurisdictional issue has been reached.

2. Whenever a member of the force or the civilian component or dependent is prosecuted by Albanian authorities, only the civilian courts of ordinary jurisdiction will have competence to try the individual.
3. The parties confirm that United States military and civilian personnel may not be surrendered to, or otherwise transferred to the custody of an international tribunal or any other entity or state without the express consent of the United States Government.

ARTICLE VI OFFICIAL DUTY CERTIFICATES

Whenever, in the course of criminal or civil proceedings against a member of the force or of the civilian component, it becomes necessary to determine whether an alleged criminal offense or potential civil liability has arisen out of any act or omission done in the performance of official duty, such determination shall be made by the highest appropriate military authority of the United States in Albania who may submit to the Albanian court or authority dealing with the case a certificate thereon. The certificate will be considered to be sufficient evidence of the fact under paragraph 3(a)(ii), Article VII of the NATO Status of Forces Agreement.

ARTICLE VII CUSTODY AND ACCESS

1. The provisions of Albanian law pertaining to pretrial detention or requiring confinement of the accused shall be discharged until the conclusion of all judicial proceedings by a duly executed certificate of the United States military authorities assuring the appearance of the member of the force or of the civilian component before the competent Albanian judicial authorities in any proceedings that may require the presence of such person. In the event Albanian judicial proceedings are not completed within one year, the United States military authorities shall be relieved of any obligations under this paragraph.
2. When a member of the force has been convicted by an Albanian court and an unsuspended sentence to confinement is adjudged, the United States military authorities shall maintain custody over the accused until the conclusion of all appellate proceedings.
3. Any period of time spent in restraint exercised by Albanian authorities or custody exercised by United States military authorities shall be credited against any sentence to confinement eventually adjudged.
4. When a member of the force, or the civilian component, or a dependent thereof, is arrested, detained, or confined by Albanian authorities, representatives of the United States shall have immediate access to that individual whenever requested and shall be permitted to be present during interrogation by Albanian authorities.

ARTICLE VIII CONFINEMENT AND VISITATION

Confinement imposed by an Albanian court upon members of the force, or the civilian component, or dependents, shall be served in Albanian penal institutions designated for such purposes by the parties. Albanian authorities will permit the authorities of the United States and families to visit such persons at any time and to provide them with such assistance as the authorities of the United States deem appropriate. The convention on the transfer of sentenced persons of March 21, 1983, shall apply to the above persons who are convicted by Albanian courts.

ARTICLE IX DISCIPLINE

1. United States military authorities shall be responsible for maintenance of discipline over members of the force.
2. In furtherance of the maintenance of discipline of United States forces, United States military authorities may establish military police units on the facilities where United States forces are located. United States military authorities may also authorize the use of such units in communities near military facilities where United States forces are located, in cooperation with local police officials, under procedures agreed to by the Albanian and United States military authorities.

ARTICLE X SECURITY

1. In accordance with Article VII, paragraph 11, of the NATO Status of Forces Agreement, Albania shall take such measures as are necessary to ensure the adequate security and protection of the United States forces, members of the force, the civilian component, and dependents within Albania. In furtherance of this responsibility, Albanian authorities shall cooperate closely with United States authorities to ensure that adequate security is provided and that there is unhindered ingress to and egress from the facilities or areas where United States forces are located.
2. If the safety of the United States forces, members of the force, or the civilian component, or dependents is endangered, United States military authorities may take appropriate measures to maintain or restore order and discipline in the facilities or areas where United States forces are located.

ARTICLE XI CLAIMS

1. Members of the force and of the civilian component shall not be subject to any proceedings for civil claims arising out of acts or omissions attributable to such persons done in the performance of their official duties. Such claims may be presented to the appropriate Albanian authorities and processed according to the provisions contained in Article VIII of the NATO Status of Forces Agreement.
2. As used in this article, and Article VIII of the NATO Status of Forces Agreement, the term "civilian component" also includes Albanian nationals and other civilians, who are United States employees acting in the performance of

official duty assigned by the United States forces, but shall not include employees of contractors non-commercial organizations.

3. Members of the force, or of the civilian component, or dependents shall not suffer default judgments or actions prejudicial to their interests when official duties or duly authorized absence temporarily prevents their attendance at non-criminal proceedings to which they are parties.

ARTICLE XII OFFICIAL TAX EXEMPTIONS

1. The United States forces and its contractors shall not be subject to direct or indirect taxation in respect of matters falling exclusively within the scope of their official or contract activities or in respect of property devoted to such activities. Deliveries made and services rendered by the force or such contractors to members of the force, the civilian component and dependents also shall be regarded as such activities. With respect to the Value Added Tax (VAT), an exemption shall apply to articles and services acquired by the United States forces, or by its contractors when acting for or on behalf of United States forces. Non-Albanian contractors in Albania solely for the purpose of supporting the United States forces shall not be subject to any form of income or profits tax by the government of Albania or its political subdivisions.

2. Aircraft operated by or for the United States forces shall not be subject to the payment of landing or parking fees, navigation or overflight charges, or any other charges in connection with carrying out missions related to its operations or the use of the facilities, except for charges for services requested and received.

3. The provisions of Albanian laws and regulations pertaining to the withholding of payment of income taxes and social security contributions shall not be applicable to United States citizens and non-Albanian employees of the United States forces or United States contractors exclusively serving the force in Albania.

ARTICLE XIII PERSONAL TAX EXEMPTIONS

1. With respect to Article X, and in accordance with Article XI, paragraph 2, of the NATO Status of Forces Agreement, members of the force or of the civilian component shall not be liable to pay any tax or similar charges, including the VAT, in Albania on the ownership, possession, use, transfer amongst themselves, or transfer in connection with death of their tangible movable property imported into Albania or acquired there for their own personal use. Motor vehicles owned by a member of the force or of the civilian component or dependents shall be exempt from Albanian circulation taxes, registration or license fees, and similar charges.

2. The exemption from taxes on income provided by Article X of the NATO Status of Forces Agreement shall also apply to income received by members of the force, or the civilian component or dependents and United States contractor employees from employment with the organizations referred to in Article I, paragraph 1, and Article XVIII of this agreement, and to income derived from sources outside Albania.

ARTICLE XIV
OFFICIAL IMPORTATION AND EXPORTATION

1. With reference to Article XI of the NATO Status of Forces Agreement, the importation of equipment, supplies, provisions, and other goods into Albania by the United States forces or by United States contractors for or on behalf of United States forces shall be exempt from all duties. The United States forces shall be liable for the payment of charges for services performed by Albanian government or any political subdivision thereto only when such services have been requested and received.
2. Equipment, supplies, provisions and other goods shall be exempt from any tax or other charge, which would otherwise be assessed upon such property after its importation or acquisition by the United States forces.
3. The exportation from Albania by the United States forces of the equipment, supplies, provisions, and other goods referred to in paragraph 1 of this article shall be exempt from all types of Albania duties. In particular cases, such property may be disposed of in Albania under terms and conditions, including payment of taxes, imposed by authorities of Albania.
4. The exemptions provided in paragraphs 1, 2, and 3 of this article shall also apply to services, equipment, supplies, provisions, and other property imported or acquired in the Albanian domestic market by or on behalf of the United States forces for use by a contractor executing a contract for such forces. The United States forces shall cooperate fully with the appropriate Albania authorities to prevent abuse of these privileges.
5. Deposit of the certificate provided for in Article XI, paragraph 4 of the NATO Status of Forces Agreement, shall be accepted in lieu of a customs inspection by Albanian authorities of the items imported or exported by or for the United States forces under this article.

ARTICLE XV
PERSONAL IMPORTATION AND EXPORTATION

1. The members of the force or of the civilian component and dependents and United States contractor employees may import their personal effects, furniture, private motor vehicles and other goods intended for their personal or domestic use or consumption free of duty during their assignment in Albania. This privilege shall apply not only to goods which are the property of such persons but also to goods sent to them by way of gift or delivered to them in fulfillment of contracts directly concluded with a person or persons not domiciled in Albania.
2. The property referred to in paragraph 1 of this article and other goods acquired free of taxes and duties may not be sold or otherwise transferred to persons in Albania not entitled to import such property duty free, unless such transfer is agreed upon by the appropriate Albanian authorities. This provision shall not apply to gifts to charity. Members of the force, or of the civilian component and dependents may freely transfer such property amongst themselves and to or from the force, and such transfers shall be free of tax or duty. The United States forces shall be responsible for maintaining records, which will be accepted as proof by Albanian authorities of these transfers of tax or duty free merchandise. Albanian authorities shall accept copies of duly filed police reports as *prima facie* evidence that duty free property of members of the force, the civilian component or their dependents has been stolen, which shall relieve the individuals of any liability for payment of the tax or duty.

3. Members of the force or of the civilian component or dependents and United States contractor employees may re-export, free of exit duties or charges, any goods imported by them into Albania or acquired by them during their period of duty in Albania.

ARTICLE XVI MOTOR VEHICLES

1. Authorities of Albania will honor the registration and licensing by United States military and civilian authorities of motor vehicles and trailers of the force, or United States contractors or members of the force, or the civilian component or dependents. Upon the request of United States military authorities, Albanian authorities shall issue license plates, without charge, which are indistinguishable from those issued to the Albanian population at large.
2. United States military authorities shall take adequate safety measures with respect to motor vehicles and trailers registered and licensed by them or used by the force in Albania.

ARTICLE XVII DRIVERS' LICENSES

1. A license or other permit issued to a member of the force or of the civilian component or United States contractor employees by United States military authorities empowering the holder to operate vehicles, vessels, or aircraft of the force is valid for the operation of such vehicles, vessels or aircraft in Albania.
2. Authorities of Albania will honor driving licenses issued by United States military and civilian authorities for the operation of private motor vehicles by members of the force, the civilian component and dependents if these authorities have determined that, in addition to fitness to operate a motor vehicle, applicants possess adequate knowledge of Albanian traffic regulations. In such cases international drivers' licenses shall not be required.
3. (a) United States military authorities shall withdraw driving licenses valid in Albania in accordance with paragraphs 1 and 2 of this article if there is reasonable doubt concerning the holders' reliability or fitness to operate a motor vehicle. They shall give sympathetic consideration to requests made by Albanian authorities for the withdrawal of such driving licenses. United States military authorities shall notify Albanian authorities of all withdrawals made in accordance with this sub-paragraph and of all cases where, after such withdrawal, a driving license has been re-issued.
(b) In cases where Albanian courts exercise jurisdiction pursuant to Article VII of the NATO Status of Forces Agreement and Article III of this agreement over offenses involving the operation of motor vehicles, provisions of Albania criminal law relating to the withdrawal of permission to drive remain applicable with respect to driving licenses referred to in paragraph 2 of this article.

ARTICLE XVIII CUSTOMS PROCEDURES

1. Albania shall take all appropriate measures to ensure the smooth and rapid clearing of imports and exports of the force, United States contractors, members of the force, the civilian component and dependents by Albanian customs authorities.

2. Customs inspections under this agreement will be carried out in the facilities in accordance with procedures mutually agreed between the appropriate Albanian authorities and the United States forces. Any inspection by Albanian customs authorities of incoming or outgoing personal property of members of the force, the civilian component, or their dependents shall be conducted when the property is delivered to or picked up from the individual's residence.

3. United States military authorities shall establish the necessary customs controls at facilities where United States forces are located to prevent abuses of the rights granted under the NATO Status of Forces Agreement and this agreement. United States military authorities and Albanian authorities shall cooperate in the investigation of any alleged offenses involving customs violations.

ARTICLE XIX MILITARY SERVICE ACTIVITIES

1. United States military authorities may establish, maintain and operate military service exchanges, commissaries, other sales outlets, open messes, social and educational centers, and recreational service areas in Albania for use by members of the force, the civilian component and dependents.

2. The organizations and activities referred to in paragraph 1 of this article are integral parts of the United States forces and shall be accorded the same fiscal and customs exemptions granted to the force, including those provided in Articles XII and XIV of this agreement.

3. United States military authorities shall adopt appropriate measures to prevent the sale of goods and property imported or acquired in Albania by the organizations referred to in paragraph 1 of this article to persons who are not authorized to patronize such organizations.

ARTICLE XX MILITARY POST OFFICES

1. The United States may establish, maintain and operate military post offices for use by the force, United States contractor employees, members of the force, or the civilian component, retirees of the United States armed forces, and dependents.

2. Mail posted at such military post offices may bear stamps of the United States.

3. Official mail of the force shall be exempt from search or seizure by Albanian authorities.

ARTICLE XXI CURRENCY AND EXCHANGE

1. United States forces shall have the right to import, export and use United States currency or instruments expressed in the currency of the United States in any amount.

2. United States military authorities may distribute to or exchange for members of the force, the civilian component and dependents currency of, and instruments denominated in the currency of:

(a) the United States;

(b) Albania;

(c) the Euro; and

(d) any other country, to the extent required for the purpose of authorized travel, including travel on leave.

3. A member of the force, the civilian component and dependents may:

(a) Import United States currency and instruments denominated in currency of the United States; and

(b) Export any currency other than that of Albania, and instruments denominated in any such currency, provided that such member or dependent has either imported such currency or instruments or received such currency or instruments from the United States military authorities.

4. United States military authorities shall, in cooperation with the authorities of Albania, take appropriate measures in order to prevent any abuse of the rights granted under this article and to safeguard the system of foreign exchange regulations of Albania insofar as they apply to personnel covered by this agreement.

ARTICLE XXII CONTRACTING PROCEDURES

1. In accordance with United States laws and regulations, the United States forces may award contracts for the acquisition of articles and services, including construction, in Albania. The United States forces may procure from any source.

2. United States forces may carry out construction works with their own personnel.

3. Individuals whose presence at a facility is required for the performance of a contract shall be granted entrance into Albania within seven (7) working days of a request by United States authorities. Such entrance may be denied or withdrawn for reasons of security or due to the individual's misconduct. If the appropriate Albanian authorities deny or withdraw such entrance they shall state the reasons for their decision in writing to the appropriate United States military authorities.

4. Albania shall accord to the force treatment in the matter of procurement of goods, services and utilities not less favorable than is accorded to Albania armed forces.

ARTICLE XXIII STATUS OF CONTRACTORS

United States citizens, firms, and third country nationals, firms, and corporations exclusively serving the United States forces shall be exempt from the laws and regulations of Albania, or any subdivision thereof, with respect to the terms and conditions of their employment and licensing and registration of business and corporations. Such contractors also shall be exempt from all

income and corporation taxes arising from the delivery to the United States forces of goods or services, or from construction of facilities.

ARTICLE XXIV **UTILITIES AND COMMUNICATIONS**

1. United States military and civilian personnel and contractors may use water, electricity, and other public utilities on terms and conditions, including rates or charges, no less favorable than those available to the Albanian armed forces or government, in like circumstances, unless otherwise agreed. The United States forces' costs will be equal to their pro rata share of the cost of such utilities.
2. The United States forces shall be allowed to operate their own telecommunication systems (as the term "telecommunication" is defined in the 1992 constitution of the international telecommunication union). This shall include the right to utilize such means and services as are required to ensure full ability to operate telecommunication systems, and the right to use, free of charge, all necessary radio spectrums for these purposes. The United States forces, in the interest of avoiding mutually disruptive interference, as well as to assist Albania in fulfillment of its international obligations, will make every reasonable effort to coordinate the use of frequencies with the appropriate Albanian authorities. The United States forces will take into consideration Albanian laws and will consult with appropriate Albanian authorities on the operation of their own telecommunication systems.

ARTICLE XXV
ENTRY INTO FORCE AND DURATION

This agreement shall enter into force upon the date that Albania notifies the United States of America through diplomatic channels that all internal procedures as are necessary to give effect to this agreement in Albania have been satisfied. This agreement shall remain in force for an indefinite period.

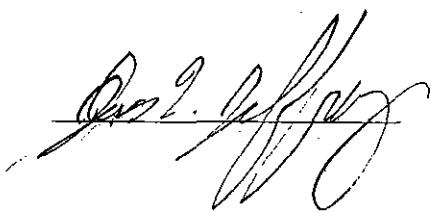
Either party may terminate this agreement upon six months written notice to the other party through diplomatic channels.

This agreement may be amended by written agreement of the parties.

In witness whereof, the undersigned, being duly authorized by their respective governments, have signed this agreement.

Done at Tirana, this 31st day of March, 2004, in duplicate, in the English and Albanian languages, both texts being equally authentic.

**For the Government of the
United States of America:**



**For the Government of the
Republic of Albania:**

